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EXAMINER

NASH, LASHANYA RENEE

ART UNIT PAPER NUMBER

2153

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/016,239

Applicant(s)

PAULKE ET AL.

Examiner

LaShanya R Nash

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/9/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

Claims 1-24.

### ***Claim Objections***

Claims 1-24 are objected to because of the following informalities: improper grammar, and inconsistent terminology. Appropriate correction is required.

Claim 1 recites "a evaluation" in line 12. Examiner suggests replacing with "an evaluation".

Claims 3,8, and 13 recite "the group" in lines 3. Examiner suggests replacing with "a group".

Claim 16 recites "the group" in line 2. Examiner suggests replacing with "a group".

Claim 22 recites "worldwide web" in line 1. Examiner suggests replacing with "World Wide Web".

Claims 2-24 recite "A device" in line 1. Examiner suggests replacing with "The device" so as to properly indicate dependency to claim 1.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9, 12, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 and 12 recite the limitation "said information element" in lines 3. However, there is insufficient antecedent basis for this limitation in the claim. The examiner suggests amending the claim to recite the limitation "an information element" for proper correction. For the purposes of prior art rejections the claim has been interpreted with the aforementioned limitation.

The term "standard software data files" in claim 16, line 2 is a relative term which renders the claim indefinite. The term "standard" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purposes of prior art rejections the claim has been interpreted as "software data files".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-10, 11-19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Weinberg et al. (US Patent 6,237,006), hereinafter referred to as Weinberg.**

In reference to claim 1, Weinberg explicitly discloses a computing device (Figure 11) that graphically represents information contained in websites and various database systems in order to better facilitate user navigation, (abstract and column 1, lines 24-29). Weinberg further discloses.

- A device (Figures 7 & 11) for offering information (i.e. websites), (column 2, lines 10-48 and column 7, line 55 to column 8, line 16), comprising:
- A display device (i.e. client computer; Figures 7 & 11-item 92; column 2, lines 14-18) with an associated operating unit, (i.e. client computer, Figures 7&11-item 92; column 18, lines 35-49);
- A data store (i.e. web server, Figure 7 & 11-item 112) containing information to be offered; a network (i.e. Internet, Figure 7-item 110) allowing a connection to be set up between the display device with the associated operating unit and the data store,

- via which the information is transmitted from the data store to the display device with the associated operating unit, (column 19, lines 39-58); and
- the display device with the associated operating unit being programmed, (column 18, lines 35-49) in response to actuation of the operating unit, to display the information at the display device as a plurality of different information types (i.e. content object) respectively designated by respective different symbols (i.e. nodes, icons ; Figure 1-item,56; Figure 2-item 65; Figure 3-item 44), (column 8, line 35 to column 9, line 26 and Figures 1-3), with at least one of the information types having a evaluation (i.e. web site data) allocated thereto (column 3, lines 9-30 and column 28, lines 37-51) , and the display device with the associated operating unit further being programmed to display a discriminator (Figure 19) at the display device allocated to at least one of the displayed symbols, the discriminator providing a visual indication of the evaluation allocated to the information type designated by the at least one of the symbols, (column 29, lines 24-59).

In reference to claim 2, Weinberg further discloses the device, wherein the display device with the associated operating unit is programmed to display the information type by activating (i.e. double-clicking), via the operating unit, the symbol designating that information type, (column 10, lines 29-45).

In reference to claim 3, Weinberg further discloses the device wherein, for at least one of the symbols, the information type designated by the at least one of the symbols is selected from the group consisting of tables, diagrams, texts, images, sound and video sequences, (column 6, lines 23-30 and column 8, lines 48-58).

In reference to claim 4, Weinberg further discloses the device wherein, for at least one of the symbols, the information type designated by the at least one of the symbols comprises a plurality of information elements, and wherein the display device with the associated operating unit is programmed to display a plurality of sub-symbols (i.e. children; Figure 2-items 66,70; Figure 3-item 48), respectively designating the information elements, (column 11, lines 9-56).

In reference to claim 5, Weinberg further discloses the device wherein the sub-symbols have a hierarchic structure, (column 2, lines 32-48).

In reference to claim 6, Weinberg further discloses the device wherein at least one of the information elements has a evaluation allocated thereto, and wherein the display device with the associated operating unit is programmed to display a discriminator (Figure 19) allocated to the respective sub-symbol designating the at least one information element with the evaluation, the discriminator indicating the evaluation allocated to the at least one information element, (column 29, lines 24-59).

In reference to claim 7, Weinberg further discloses the device wherein the respective information elements have informational content, and wherein the display device with the associated operating unit is programmed to display the informational content allocated to a respective information element by activating, via the operating unit, the respective sub-symbol designating that information element, (column 10, lines 29-45).

In reference to claim 8, Weinberg further discloses the device wherein the informational elements have respective informational contents associated therewith, the informational contents being selected from the group consisting of tables, diagrams, texts, images, sounds and video sequences, (column 6, lines 23-30 and column 8, lines 48-58).

In reference to claim 9, Weinberg further discloses the device wherein the display device with the associated operating unit is programmed to automatically weight (i.e. number of hits, high activity) at least one of the information type and the information element dependent on a quantitative analysis, (column 29, lines 14-23 and column 30, line 1 to column 31, line 12).

In reference to claim 10, Weinberg further discloses the device wherein the display device with the associated operating unit is programmed to make a quantitative



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analysis dependent on a threshold entered via the operating unit, (column 29, lines 60-67).

In reference to claim 12, Weinberg further discloses the device wherein the display device with the associated operating unit allows a user-entered allocation (i.e. Autotracker Feature) of the evaluation to at least one of the information type and the information element, as an evaluation class (i.e. user activity levels) selected from a number of predefined evaluation classes, (column 29, lines 24-59).

In reference to claim 13, Weinberg further discloses the device wherein the display device with the associated operating unit displays the discriminator (Figure 19) with a visual indicator of the evaluation selected from the group consisting of color, shape, image, pictogram, scale and alphanumeric characters, (column 28, lines 37-51).

In reference to claim 14 Weinberg further discloses the device wherein the offerable information has an address indicating a storage location (i.e. URL; column 6, lines 31-36; column 7, lines 63 to column 8, line 3) of the offerable information in the data store, and wherein the display device with the associated operating unit is programmed to display an identification of the address (column 17, lines 20-38 and Figure 4-item 80) and to allow editing thereof, (column 10, lines 29-45).

In reference to claim 15 Weinberg further discloses the device wherein each of the information types has an informational content (i.e. HTML document) associated therewith, and wherein the display device with the associated operating unit is programmed to allow updating of the informational content of an information type by activating the respective symbol designating that information type, (column 10, lines 29-45).

In reference to claim 16 Weinberg further discloses the device wherein the offerable information is a datafile selected from the group consisting of standard software datafiles (i.e. downloadable software applications) and office software datafiles, (column 6, lines 23-30 and column 8, lines 48-58).

In reference to claim 17 Weinberg further discloses the device wherein the display device with the associated operating unit is programmed to open the datafile upon activation (i.e. double-clicking), via the operating unit of the respective symbol designating that information type (column 10, lines 29-45).

In reference to claim 18 Weinberg further discloses the device wherein the display device with the associated operating unit displays (i.e. via web browser) the datafile after the datafile is opened, (column 10, lines 29-45).

In reference to claim 19 Weinberg further discloses the device wherein the display device with the associated operating unit is a personal computer (Figure 7-item 92).

In reference to claim 21 Weinberg further discloses the device wherein the display device with the associated operating unit (i.e. via web browser) is programmed to allow entries (i.e. user submitted data) to be made, via the operating unit, to augment the offerable information in the data store (i.e. web site), (column 24, line 48 to column 25, line 12).

In reference to claim 22 Weinberg further discloses the device wherein the network is the worldwide web, (column 5, line 63 to column 6, line 4 and column 19, lines 39-58).

In reference to claim 23 Weinberg further discloses the device wherein the data store is a data store in which business data (i.e. company business website content) are stored as the offerable information, (column 1, lines 35-45).

In reference to claim 24 Weinberg further discloses the device wherein the data store is a data store wherein management information (i.e. business manager website content) is stored as the offerable information, (column 1, lines 35-45).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg as applied to claim 1 above, and further in view of Jackson (US Patent 5,894,311), hereinafter referred to as Weinberg.**

In reference to claim 11, Weinberg further discloses the device wherein the display device with the associated operating unit is programmed to make a quantitative analysis dependent on a reference trends entered via the operating unit, (column 28, line 52 to column 29, line 14). However the reference fails to explicitly disclose a trend curve. However, quantitative analysis based on trend curves was well known in the art at the time of the invention, as further evidenced by Jackson. Therefore, this modification to the aforementioned device as disclosed by Weinberg, would have been obvious to one of ordinary skill in the art at the time of the invention.

In an analogous art, Jackson discloses a computer-based visual data evaluation system for displaying visual chart representation of the data offered to users via networked databases, (abstract; column 4, lines 6-25; column 7, line 60 to column 8, line 11). Jackson further discloses performing qualitative analysis (column 8, line 61 to column 9, line 30 and column 11, line 51 to column 12, line 15) on this information

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based on chart representation, specifically trend curve plots, (column 7, lines 40-45 and column 8, lines 45-54). It would have been obvious to implement this modification to the device as disclosed by Weinberg, because one of ordinary skill in the art would have been so motivated to provide visual evaluation of information in complex databases thereby increasing efficiency associated with subsequent data analysis, (Jackson column 3, lines 42-63).

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg as applied to claim 1 above, and further in view of Salas et al. (US Patent 6,230,185), hereinafter referred to as Salas.**

In reference to claim 20, although Weinberg discloses substantially features of the claimed invention, the reference fails to disclose the offerable information to be supplied thereto from the data store only in response to an entry via the operating unit by an authorized user.

However, it would have been obvious for one of ordinary skill in the art to accordingly modify the device as disclosed by Weinberg, as further evidenced by Salas.

In an analogous art, Salas discloses an apparatus for visually indicating evaluated (i.e. collaborator discussion) data offered networked database systems, (abstract and Figure 4). Salas further discloses the aforementioned communication between collaborators requiring authorization to grant access to all users, (column 1, lines 35-40 and column 18, line 45 to column 19, line 38). One of ordinary skill in the art would have been so motivated to implement this modification to the device as disclosed

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by Weinberg, so as to control access to distributed information and thereby increasing the security of offered information (column 1, lines 30-32).

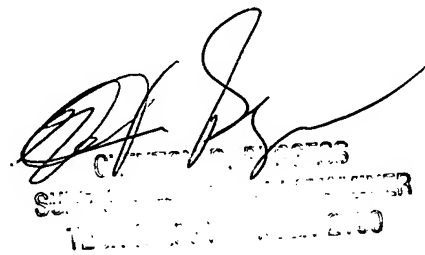
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash  
Art Unit, 2153  
March 7, 2005



Official stamp of the examiner, LaShanya R. Nash, dated March 7, 2005, with the text 'EXAMINER' and 'ART UNIT 2153'.